HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITON No.12757 of 2012

ORDER:

The relief sought for in this Writ Petition is for a mandamus to declare the proceedings of the District Collector dated 31.12.2009 confirming the order passed by the Joint Collector dated 24.08.2007, which in turn confirmed the order passed by the Revenue Divisional Officer dated 14.11.2005, for charges relating to short supply of kerosene to card holders, shortage of stock, variation of stock, and for distribution of essential commodities at higher rates as arbitrary and illegal.

A show cause notice was issued to the petitioner, by the Revenue Divisional Officer, on 01.09.2005 relying on the report submitted by the Mandal Revenue Officer on 28.03.2005. Pursuant to the show cause notice, the petitioner submitted his explanation on 01.10.2005 which resulted in the Revenue Divisional Officer cancelling the authorisation. Aggrieved thereby the petitioner preferred an appeal to the Joint Collector who, by his order dated 24.08.2007, dismissed the appeal. Aggrieved thereby the petitioner preferred a revision to the District Collector who, by his order dated 09.02.2008, remanded the matter to the Joint Collector. Consequent on remand, the Joint Collector passed an order afresh, again dismissing the appeal by order dated 24.08.2009. Aggrieved thereby, the petitioner carried the matter in revision to the District Collector who, by his order dated 31.12.2009, dismissed the revision.

While several contentions are urged by Sri P. Jagadish Chandra Prasad, Learned Counsel for the petitioner, on the validity of all the three orders passed by the Revenue Divisional Officer, the Joint Collector and the District Collector, it is wholly unnecessary for us to refer to all of them, as it is clear that the order passed by the District Collector, in revision on 31.12.2009, is totally bereft of reasons.

While the impugned revisional order passed by the District Collector on 31.12.2009, records the eight grounds urged by the petitioner in his challenge to the validity of the appellate order passed by the Joint Collector, all that the District Collector has stated, in the impugned revisional order, is that, though a final chance was given for written submissions to be filed, the revision petitioner had only filed a statement from the villagers requesting that the petitioner be permitted to distribute essential commodities. None of the contentions, urged by the petitioner, which are reflected in the order passed by the District Collector himself on 31.12.2009, have even been considered while passing the impugned order of revision.

On the short ground that it is completely bereft of reasons, the revisional order passed by the District Collector dated 31.12.2009 is liable to be, and is accordingly, set aside. The District Collector, Chittoor shall consider the revision afresh, give the petitioner an opportunity of being heard, and thereafter pass an order afresh in accordance with law within three months from the date of receipt of a copy of the order. Needless to state that till the revisional authority (District Collector) passes an order afresh, the appellate order of the Joint Collector dated 24.08.2007, confirming the order of the Revenue Divisional Officer dated 14.11.2005, shall continue to remain in force. The Writ Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 06.07.2018

MRKR